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Shumaker & Sieffert, P.A. 1625 Radio Drive Suite 300 Woodbury, MN 55125			EXAMINER PARK, ILWOO	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/938,144	Applicant(s) WOOD, ROBERT BARRY	
	Examiner ILWOO PARK	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/10/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 16-22, 24-26 and 28-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 16-22, 24-26 and 28-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 33 is amended and claims 34-36 are added. Claims 1-6, 16-22, 24-26, and 28-36 are presented for examination. Stefanksy, Schneider, Glover, and Durrett were cited in the last office action.

Response to Arguments

2. Applicant's arguments filed 4/10/2008 have been fully considered but they are not persuasive.

In the Remarks, Applicant argues in substance that the microcontroller control program in Stefanksy is not equivalent to operating system because the microcontroller control program fails to direct the processing of other programs.

The Examiner respectfully disagrees. Stefanksy clearly teaches a device [disk drive] having its own disk drive operating system ["microcontroller control program" in col. 8, lines 36-40] run by the microcontroller which controls basic operations, such as controlling actuator, spin motor, and read/write a data disk, to operate the disk drive system. Stefanksy further teaches that the disk drive operating system runs an application program [interface] which provides, via interface control 228 by the microcontroller 224 in fig. 14, for the device interface applicable to adapt multiple interfaces, such as an asynchronous SCSI bus, a synchronous SCSI bus, and an AT bus [col. 8, lines 41-61]. Thus, Stefanksy also teaches the application program run by the operating system as claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 16-19, 22, 24-26, 29, 30, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanksy [US 6,226,143 B1] in view of Schneider [US 6,363,487 B1].

As for claim 1, Stefanksy teaches a device [disk drive] comprising:

a data disc [rotating disk 44 in fig. 2] rotatably mounted on a baseplate [base 20 in fig. 1];

a printed circuit board (PCB) [PCB 36 in fig. 1] fastened to the baseplate having a servo controller; and

a central processing unit (CPU) [microcontroller 224 in fig. 14] mounted to the PCB running [col. 8, lines 25-40] an operating system [microcontroller control program for basic disk operations, such as controlling actuator, spin motor, and read/write a data disk].

As for claim 18, Stefanksy teaches an intelligent storage element [disk drive] comprising:

a case forming a substantially sealed environment [col. 5, lines 48-60];

a data disc [rotating disk 44 in fig. 2] mounted within the case [fig. 1];

a central processing unit (CPU) [microcontroller 224 in fig. 14] mounted within the case; and

a memory mounted within the case, wherein the memory stores [col. 8, lines 25-40] an operating system [microcontroller control program for basic disk operations, such as controlling actuator, spin motor, and read/write a data disk], and the central processing unit runs the operating system.

Though Stefanksy further teaches an application program [e.g., 'tasks including an interface task' applicable to support 'SCSI or AT bus' in col. 8, lines 39-55] stored in a memory and run by the operating system, Stefanksy does not teach the memory storing the application program is the data disc; rather, Stefanksy only discloses the memory storing the application program is a read only memory [such as a ROM 226 in col. 8, lines 34-40]. Schneider teaches a device [disk drive 20 in fig. 1] comprising a data disc [disk 10 in fig. 2] and a CPU [microcontroller 22 in figs. 1-2] running application program [operating code 8 in fig. 1] by an operating system [firmware]. Schneider further teaches the application program can be stored not only in a read only memory but also in the data disc [col. 4, lines 5-16]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to implement an application program to be stored in a data disc in order to increase flexibility to be changeable or upgradeable of the application as taught by Schneider.

As for claim 16, Stefanksy teaches a device comprising: a printed circuit board (PCB) [PCB 36 in fig. 1]; a central processing unit (CPU) [microcontroller 224 in fig. 14] mounted to the PCB running [col. 8, lines 25-40] an operating system [microcontroller

control program for basic disk operations, such as controlling actuator, spin motor, and read/write a data disk]; and a memory [ROM 226] mounted on the PCB storing an application program [e.g., 'tasks including an interface task' applicable to support 'SCSI or AT bus' in col. 8, lines 39-55], wherein the application program is run by the operating system running in the CPU. However, Stefanksy does not teach the memory is selected from a group consisting of electronically erasable programmable read only memory (EEPROM) and a flash memory. Schneider teaches a device [disk drive 20 in fig. 1] comprising a data disc [disk 10 in fig. 2] and a CPU [microcontroller 22 in figs. 1-2] running application program [operating code 8 in fig. 1] by an operating system. Schneider further teaches the application program can be stored in a flash memory [col. 4, lines 5-16]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to implement an application program to be stored in a data disc in order to increase flexibility to be changeable or upgradeable of the application as taught by Schneider.

As for claims 5 and 29, Stefanksy teaches the device is a three and one half inch form factor assembly [col. 5, lines 12-18].

As for claim 17, Schneider teaches the memory stores both the operating system and the application program, wherein the application program for use by the CPU [col. 4, lines 5-16].

As for claim 19, Stefanksy teaches the data disc is a magnetic data storage media [col. 4, lines 60-64].

As for claim 22, Stefanksy teaches the case comprising a base and a top cover [base 20 and cover 24 in fig. 1].

As for claim 24, Schneider teaches the memory is random access memory [col. 4, lines 11-13].

As for claim 25, Stefanksy teaches a head [head 220 in fig. 14] that reads data from the data disc to produce a signal; and a channel [R/W CTL 236 in fig. 14] mounted to the PCB, wherein the channel receives the signal from the head.

As for claim 26, Stefanksy teaches the CPU generates control signals to the servo controller [e.g., col. 9, lines 19-28].

As for claim 30, Schneider teaches the application program can be stored in a flash memory [col. 4, lines 5-16].

As for claim 33, Schneider teaches a Basic Input/Output System (BIOS) including boot code ["firmware" in col. 4, lines 8-11].

As for claims 34 and 36, Schneider teaches the CPU generates read and write control signals for retrieving data on the data disc [col. 4, lines 8-16].

As for claim 35, Schneider teaches the CPU generates read and write control signals for retrieving data on the memory [col. 4, lines 8-16].

5. Claims 2, 6, 20, 21, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanksy and Schneider as applied to claims 1 and 18 above, and further in view of Glover [US 6,282,045 B1].

As for claims 2 and 20, though the combination of Stefanksy and Schneider teaches the device [disk drive] having an input/output module [Stefanksy: interface

control circuit 228 in fig. 14] is connected to a communications line [col. 8, lines 41-55], Stefanksy does not expressly disclose the communications line includes a communications network. Glover teaches a device [disk drive] has a central processing unit (CPU) [DSP 26 in fig. 1] running [col. 6, lines 26-43] an operating system and an input/output module [disk control circuitry 24 in fig. 1] directly connected [col. 3, lines 46-52; col. 3, lines 16-18] to a communications network for communicating to a node connected to the network. At the time of the invention, one of ordinary skill in the art would have been obvious to modify to include a device directly connecting to a communications network and communicating with a node connected to the network in order to increase flexibility rather than the device communicating with a network node through a personal computer or a server as taught by Glover [col. 3, lines 10-15; col. 4, lines 31-41].

As for claim 6, the combination of Stefanksy and Schneider does not disclose a file system managing file data stored on the data disc, wherein the file system is in direct communication with the servo controller. Glover teaches a file system managing file data stored on the data disc, wherein the file system is in direct communication with the servo controller [col. 6, lines 13-25; fig. 1]. At the time of the invention, one of ordinary skill in the art would have been obvious to include a file system in order to increase functionality of independently operating the device servicing a request from a network client directly connection to network without through a computer by having the file system as taught by Glover.

As for claim 21, Glover teaches the network is a local area network [col. 3, lines 16-18].

As to claim 32, the combination of Stefanksy and Schneider does not expressly disclose the device not subservient to a host device. Glover teaches the device not subservient to a host device [“hard disk drive as a stand alone server in col. 4, lines 32-37]. At the time of the invention, one of ordinary skill in the art would have been obvious to include the device being not subservient to a host device in order to increase applicability for the disk drive as a stand alone device without having a computer [Glover: col. 3, lines 16-37].

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanksy and Schneider in view of Glover as applied to claim 2 above, and further in view of Durrett [US 5,964,830].

As for claim 3, the combination of Stefanksy, Schneider, and Glover teaches the input/output module includes a network interface module operable to communicate to a node on the network [col. 4, lines 31-41]. However, the combination does not explicitly disclose a hypertext transport protocol is used for the network communication. Durrett teaches a device [user portal device 10 in fig. 1] having an input/output module [e.g., col. 5, lines 23-30] capable of directly communicating with a node connected to a communications network using a hypertext transport protocol. At the time of the invention, one of ordinary skill in the art would have been obvious to use a hypertext transport protocol as a network communication protocol in order to adapt the prevalent network protocol.

As for claim 4, though the combination of Stefanksy, Schneider, and Glover teaches the input/output module having a plurality of input/output modules [Glover: col. 5, lines 58-67], the combination does not explicitly teach the input/output module further including a video interface module to drive a video monitor via the communications network. Durrett teaches the input/output module further including a video interface module to drive a video monitor via the communications network [e.g., internal VGA 53A, external VGA and NTSC 44 in fig. 5A]. At the time of the invention, one of ordinary skill in the art would have been obvious to include a video interface module in the plurality of input/output modules in order to increase user friendliness since the device operable as a stand alone device [Glover: col. 4, lines 32-37] without having a computer.

7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanksy and Schneider as applied to claim 1 above, and further in view of Durrett [US 5,964,830].

As for claim 31, the combination of Stefanksy and Schneider does not disclose the application program is selected from a group consisting of a spreadsheet program, a word processor program, and an accounting program. Durrett teaches a data disc stores an application program including a word processor program run by the operating system [col. 1, lines 62-65; col. 6, lines 4-12]. At the time of the invention, one of ordinary skill in the art would have been obvious to modify to combine the cited references to include a word processor program in the application program in order to

increase user friendliness by providing stand-alone capability operable to the user as taught by Durrett [abstract].

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stefanksy and Schneider as applied to claim 16 above, and further in view of well known in the art.

As for claim 28, the CPU of the combination of Stefanksy and Schneider runs the operating system. However, the combination does not disclose the operating system is an open-source operating system. The open-source operating system is well known in the art. At the time of the invention, one of ordinary skill in the art would have been obvious to modify to include the royalty free open-source operating system in order to reduce a product cost.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (571) 272-4155. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ilwoo Park/
Primary Examiner, Art Unit 2182
July 7, 2008